



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

January 4, 1995

TO: Lowell Braxton, Associate Director - Mining
Wayne Hedberg, Permit Supervisor - Minerals

FROM: Lynn Kunzler, Reclamation Specialist *LK*

RE: Status of Vipont Mine, D/003/007, Box Elder County, Utah

As you are aware, during October of 1994, the BLM (Burley Idaho District), acting on a tip from a local rancher, found an individual (contracted by Thomas Miller) involved in road improvement work on the Birch Creek road (access to the Vipont Mine). Since no permits had been issued, work was ordered stopped by the BLM. As a result of their (BLM) investigation, criminal trespass charges are being filed against Mr. Miller. This Division and the State Institutional and Trust Lands Administration were also notified of the events and subsequent BLM action. Approximately 0.5 miles of the access road improvements involve Utah Trust lands. The road improvements started at the Vipont minesite and continued down the Birch Creek road across private, State and Federal lands.

During my inspection of November 9, 1994, it was observed that the road improvements extended through the main mine site area and continued a short distance above the main area towards the portals. Also, some evidence of cat work around the quonset hut/shed was observed. The Utah Mined Land Reclamation Act and its interpretive Rules categorize mine access road development work as a mining-related activity. On October 24, 1994, Thomas Miller sent a letter to Mr. Tom Dyer of the BLM. He stated that he had intended to do more (cat) work at the mine property when the BLM forced the cat operator to leave. He also indicated that he plans to do additional work at the Vipont Mine during 1995.

From the above, it appears that the Division may have a case against Mr. Miller for conducting mining activities without a permit. At the least, he has voiced his intentions to activate the site in the very near future.

As I see it, the Division only has two viable options: (1) - Pursue 'operating without a permit and require an immediate filing of a NOI for a LMO (more than 5 acres involved); or (2) - inform Mr. Miller that it has come to the Division's attention that he intends to reactivate the minesite and inform him that no activity is to occur until the proper Notice is filed with the Division and accepted or approved.

I have attached several documents to this memo documenting the above. I have also attached a draft letter for Lowell's signature to Mr. Miller requiring him to file an appropriate Notice.

